

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

LOOP AI LABS INC,
Plaintiff,

v.

ANNA GATTI, et al.,
Defendants.

Case No. [15-cv-00798-HSG](#) (DMR)

**ORDER ON MOTIONS RE EXPERT
DISCOVERY**

Re: Dkt. Nos. 694, 714

Defendant Almawave USA, Inc. (“Almawave”) filed two administrative motions for leave to file unilateral letter briefs regarding its document and deposition subpoenas to Plaintiff Loop AI Labs Inc.’s two designated experts, Dr. Elliot A. Fishman and Jesus E. Reyes, Jr. Plaintiff filed its oppositions thereto. [Docket Nos. 694, 706, 714, 716.]

The document subpoenas were issued by the Northern District of California but they call for compliance in New York. [Docket No. 694 Ex. A.] Pursuant to the plain language of Rule 45, this court does not currently have authority to decide the motion. Motions to compel compliance with subpoenas are decided by the “court for the district where compliance is required.” Fed. R. Civ. P. 45(d)(2)(B)(i) (“the serving party may move the court for the district where compliance is required for an order compelling production or inspection”). “When the court where compliance is required did not issue the subpoena, it may transfer a motion under [Rule 45] to the issuing court if the person subject to the subpoena consents or if the court finds exceptional circumstances.” Fed. R. Civ. P. 45(f). Accordingly, this court lacks jurisdiction to enforce the document subpoenas unless and until Almawave moves to compel the witnesses’ compliance with the subpoenas in the “court for the district where compliance is required,” and such a motion is transferred to this Court. Docket No. 694 is therefore denied.

As to Almawave’s motion regarding its subpoenas for expert deposition testimony, those

subpoenas seek Fishman and Reyes's appearance for depositions in San Francisco on May 31, 2016 and June 1, 2016, respectively. [Docket No. 714 Ex. A.] It appears that the parties agreed that the witnesses would appear for depositions in New York on June 1, 2016 and June 2, 2016. See Docket No. 674 Ex. 2 (May 11, 2016 letter confirming deposition schedule), Docket No. 716 at 2. Accordingly, the parties' dispute about Fishman and Reyes's appearances for depositions appears to be moot. Docket No. 714 is therefore denied.

IT IS SO ORDERED.

Dated: June 3, 2016

